REMARKS

Thorough examination of the application is sincerely appreciated.

Applicant's claims are amended to remove European-type phraseology and address various formalities, as well as clarify and particularly point out the patentable subject matter of the present invention.

Applicant re-introduces claims 11-18, now canceled, as new claims 19-28. Applicant regrets any inconvenience to the examiner.

According to the Final Office Action, claims 1-18 were rejected under 35 USC 102(e) as being anticipated by U.S. Patent 6,587,835 (hereinafter "Treyz"). In response, the rejections are respectfully traversed as lacking sufficient factual support and not grounded in applicable law. It will be shown that the claimed invention is not anticipated by Treyz.

It is respectfully submitted that Treyz is inapplicable to the present invention, as recited in Applicant's claims. More specifically, Treyz fails to teach or suggest, among other things, Applicant's feature of "the alert signal being provided for prompting an alert message at the mobile wireless device," as recited in claim 1, for example. The examiner points to column 38, lines 25-37 in Treyz, where it is merely disclosed that:

> "A user may wish to be provided with messages and other notifications while shopping. For example, a user may desire to be notified when a special offer is available. There are various types of messages that may be provided to the user, including proximity messages, local messages, notifications, reminders, e-mail, etc. Messages that are particular to the user may be addressed to the handheld computing device 12 using an e-mail addressing arrangement or any other suitable addressing scheme. Messages that are directed to all users (e.g., all users who are in communication with the local wireless transmitter/receivers in the mall or other establishment) may be sent without a particular destination address."

The above portion of the patent only discloses various types of messages that are available to the user. It is respectfully submitted that the cited portion of the patent is not

applicable to Applicant's claimed recitation. There is a lack of nexus in Treyz between an alert signal and an alert message, in contrast to Applicant's claimed feature. In fact, there is no mention of a signal at all in the portion of the patent relied upon in the Final Office Action.

If the examiner disagrees and believes otherwise, he is respectfully requested 1) to specifically point out where the connection between an alert signal and an alert message can be found in Treyz; 2) to provide an affidavit stating facts within his personal knowledge; or 3) to provide a prior art reference stating the same, because the examiner's interpretation of Treyz can't be supported by the record.

In analyzing additional features of Applicant's invention as recited in claim 1, it is respectfully submitted that the examiner is factually wrong in relying on Treyz. The examiner indicates that in col. 9, lines 55-65 and col. 11, lines 24-27 Treyz teaches Applicant's feature of "the mobile wireless device generates the alert message based on the interpretation data in response to receiving the alert signal transmitted from the transmitter beacon device." Applicant respectfully disagrees, as Treyz is completely silent on the alert message being generated based on the interpretation data in response to the alert signal. Treyz merely discloses shopping lists, which cannot properly be analogized to Applicant's interpretation data. Nowhere does Treyz teach or suggest that the shopping lists are generated on the basis of an alert signal. In addition, nowhere does Treyz teach or suggest that the shopping lists are generated in response to the received alert signal. Hence, any analogy between Treyz' shopping lists and Applicant's above-recited feature is factually inaccurate.

If the examiner still disagrees and believes otherwise, he is respectfully requested 1) to particularly point out where such a disclosure can be found in Treyz; 2) to provide an affidavit

stating facts within his personal knowledge; or 3) to provide a prior art reference stating the same, because the examiner's interpretation of Treyz can't be supported by the record.

According to the binding case law established by U.S. Court of Appeals for the Federal Circuit and its predecessor Court (as interpreted in Section 2131 of the MPEP), to anticipate a claim, the reference must teach each and every element of that claim. As discussed above, Treyz is woefully deficient in teaching each and every element of Applicant's claim 1. It is, therefore, respectfully submitted that independent claim 1 is not anticipated by Treyz. Withdrawal of the rejection is respectfully requested, as it cannot be sustained legally.

Analysis of independent claim 19 is analogous to the one of claim 1, as presented hereinabove. To avoid repetition, claim 19 will not be discussed in detail with the understanding that it is patentable at least for the same reasons as claim 1. Applicant, therefore, respectfully requests withdrawal of the rejection and allowance of claim 19.

Claims 2-10 and 20-28 depend from independent claims, which have been shown to be allowable over the prior art reference. Accordingly, claims 2-10 and 20-28 are also allowable by virtue of their dependency, as well as the additional subject matter recited therein. Applicant submits that the reason for the rejection of claims 2-10 and 20-28 has been overcome and respectfully requests withdrawal of the rejection and allowance of the claims.

In view of the above, it is submitted that Treyz does not anticipate or render obvious the present invention. Withdrawal of the rejections is, therefore, respectfully requested.

An earnest effort has been made to be fully responsive to the Examiner's correspondence and advance the prosecution of this case. In view of the above amendments and remarks, it is believed that the present application is in condition for allowance, and an early notice thereof is earnestly solicited. However, if for any reason this application is not considered to be in

condition for allowance, the Examiner is respectfully requested to call the undersigned attorney at the number listed below prior to issuing a further Action.

Please charge any additional fees associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,

By _____
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